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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------------------------------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/040,781 | 12/28/2001 | David Wei-Gwo Wang | 9767-0108-999 | 2123 |
| 24341 | 7590 | 08/12/2005 | EXAMINER | |
| MORGAN, LEWIS & BOCKIUS, LLP. 2 PALO ALTO SQUARE 3000 EL CAMINO REAL PALO ALTO, CA 94306 | | | ESCALANTE, OVIDIO | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2645 | |

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------|--------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/040,781 | WANG ET AL. |
| | Examiner | Art Unit |
| | Ovidio Escalante | 2645 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 20 May 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-40 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-40 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

DETAILED ACTION

1. This action is in response to applicant's response filed on May 20, 2005. **Claims 1-40** are now pending in the present application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langsenkamp US Patent 5,912,947 in view of Zirngibl et al. US Patent 6,798,867.

Regarding claims 1 and 7, Langsenkamp, teaches a method of voice organizer message delivery, (abstract; col. 5, lines 52-63) comprising:

recording a voice organizer message from a first user, (col. 7, lines 53-57);

associating message-specific passcode with the voice organizer message, (col. 18, lines 37-45);

storing the voice organizer message to be delivered to a second user on a specified date, (col. 9, lines 52-67; col. 12, lines 60-66; col. 18, lines 20-24);

upon said specified date, delivering the voice organizer message to the second user, (col. 12, lines 60-66; col. 14, lines 36-43).

While Langsenkamp teaches of periodically delivering the message, Langsenkamp does not specifically teach of periodically redelivering the message at a frequency specified by the first user wherein the frequency is selected from a group consisting of at least three frequencies.

In the same field of endeavor, Zirngibl teaches periodically redelivering a voice organizer message at a frequency specified by a first user, wherein the frequency is selected from a group consisting of at least three frequencies, (col. 10, lines 23-39; col. 19, lines 3-10,16-31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Langsenkamp by selecting from a group of frequencies as taught by Zirngibl so taught a more flexible message delivery time can be selected based on each users needs.

Regarding claims 2,16 and 29, Langsenkamp, as applied to claims 1,15 and 28, does not specifically teach wherein the first and second users are the same user.

In the same field of endeavor, Zirngibl teaches wherein the second user and the first user are the same user, (col. 10, lines 9-21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Langsenkamp by allowing the second user to be the first user as taught by Zirngibl so that the user can send information to themselves such as if they want to be reminded of certain events or to receive periodic reports about certain events.

Regarding claims 3,17 and 30, Langsenkamp in view of Zirngibl, as applied to claims 1,15 and 28, teaches wherein the at least three frequencies include daily, weekly and monthly, (col. 10, lines 23-39).

As stated above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Langsenkamp by selecting from a group of frequencies as taught by Zirngibl so taught a more flexible message delivery time can be selected based on each users needs.

Regarding claim 4, Langsenkamp, as applied to claim 1, teaches including responding to commands from the first user by modifying the voice organizer message, (col. 9, lines 1-17; col. 10, lines 15-32).

Regarding claim 5, Langsenkamp, as applied to claim 1, teaches including responding to commands from the first user by changing the specified date of the voice organizer message, (col. 9, lines 1-17; col. 10, lines 15-32).

Regarding claim 6, Langsenkamp, as applied to claim 1, teaches responding to commands from the first user by changing the frequency of the voice organizer message, (col. 12, lines 60-66).

Regarding claim 8, Langsenkamp, as applied to claim 7, teaches wherein the delivering step includes:

notifying the second user of the voice organizer message, (col. 19, lines 41-55; col. 19, lines 50-65);

upon a response from the second user, playing the voice organizer message, (col. 19, lines 50-65).

Regarding claim 9, Langsenkamp, as applied to claim 8, teaches wherein the response from the second user includes entering the message-specific passcode, (col. 18 lines 37-45; col. 21, lines 61-67).

Regarding claim 10, Langsenkamp, as applied to claim 7, teaches including responding to commands from the first user by modifying the message-specific passcode associated with the voice organizer message, (col. 18 lines 37-45; col. 21, lines 61-67).

Regarding claim 11, Langsenkamp, as applied to claim 7, teaches wherein the message-specific passcode is a passcode corresponding to a voice mailbox associated with the second user, (col. 18 lines 37-45; col. 21, lines 61-67).

Regarding claim 12, Langsenkamp teaches a method of voice organizer message delivery (abstract) comprising:

recording a voice organizer message from a first user, (col. 7, lines 53-57);

storing the voice organizer message to be delivered to a second user on a specified date, (col. 9, lines 52-67; col. 12, lines 60-66; col. 18, lines 20-24); upon said specified date, automatically calling the second user to deliver the voice organizer message to the second user, (col. 12, lines 60-66; col. 14, lines 36-43).

Langsenkamp does not specifically teach if delivery of the voice organizer message fails, placing the voice organizer message in a voice mailbox associated with the second user.

In the same field of endeavor, Zirngibl teaches if delivery of the voice organizer message fails, placing the voice organizer message in a voice mailbox associated with the second user, (col. 21, lines 28-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Langsenkamp by placing the message in the voicemail box of the user as taught by Zirngibl so that the user can still be able to receive the messages if the correct user was not available to receive the message.

Regarding claim 13, Langsenkamp, as applied to claim 12, teaches including associating a message-specific passcode with the voice organizer message, (col. 18, lines 37-45; col. 21, lines 61-67).

Regarding claim 14, Langsenkamp, as applied to claim 13, teaches wherein delivery of the voice organizer message fails when the second user fails to enter the message-specific passcode, (col. 18, lines 37-45; col. 21, lines 61-67).

Regarding claims 15 and 28, Langsenkamp teaches a voice organizer system and a computer program product for use in conjunction with a computer system, the computer program

product comprising a computer readable storage medium and a computer program mechanism embedded therein (abstract; fig. 1) comprising:

a central processing unit, (fig. 1);

a message intake module, executed by the central processing unit, for recording and storing a voice organizer message created by a first user, (col. 7, lines 53-57; col. 9, lines 52-67);
a message delivery module, executed by the central processing unit, (col. 12, lines 60-66; col. 14, lines 36-43), the message delivery module including instructions for:

delivering the voice organizer message to a second user on a date specified by the first user, (col. 12, lines 60-66; col. 14, lines 36-43).

While Langsenkamp teaches of periodically delivering the message, Langsenkamp does not specifically teach of periodically redelivering the message at a frequency specified by the first user wherein the frequency is selected from a group consisting of at least three frequencies.

In the same field of endeavor, Zirngibl teaches periodically redelivering a voice organizer message at a frequency specified by a first user, wherein the frequency is selected from a group consisting of at least three frequencies, (col. 10, lines 23-39; col. 19, lines 3-10,16-31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Langsenkamp by selecting from a group of frequencies as taught by Zirngibl so taught a more flexible message delivery time can be selected based on each users needs.

Regarding claims 18 and 31, Langsenkamp, as applied to claims 15 and 28, teaches the message intake module further including modification instructions for responding to commands

from the first user to modify the voice organizer message, (col. 9, lines 1-17; col. 10, lines 15-32).

Regarding claims 19 and 32, Langsenkamp, as applied to claims 15 and 28, the message intake module further including modification instructions for responding to commands from the first user to change the specified date of the voice organizer message, (col. 9, lines 1-17; col. 10, lines 15-32).

Regarding claims 20 and 33, Langsenkamp, as applied to claims 15 and 28, teaches the message intake module further including modification instructions for responding to commands from the first user to change the frequency of the voice organizer message, (col. 12, lines 60-66).

Regarding claims 21,26 and 34, Langsenkamp, as applied to claims 15,21 and 28 teaches the message intake module further including passcode instructions for associating a message-specific passcode with the voice organizer message, (col. 18, lines 37-45; col. 21, lines 61-67).

Regarding claims 22 and 35, Langsenkamp, as applied to claims 21 and 28, teaches the message intake module further including modification instructions for responding to commands from the first user to modify the message-specific passcode associated with the voice organizer message, (col. 18, lines 37-45; col. 21, lines 61-67).

Regarding claim 23 and 36, Langsenkamp, as applied to claims 21 and 34, teaches wherein the message delivery module includes instructions requiring entry of the message-specific passcode by the second user in order to deliver the voice organizer message to the second user. (col. 18, lines 37-45; col. 21, lines 61-67).

Regarding claims 24 and 37, Langsenkamp, as applied to claims 21 and 34, teaches wherein the message-specific passcode is a passcode corresponding to a voice mailbox associated with the second user, (col. 18, lines 37-45; col. 21, lines 61-67).

Regarding claims 25 and 38, Langsenkamp teaches a voice organizer system and a computer program product for use in conjunction with a computer system, the computer program product comprising a computer readable storage medium and a computer program mechanism embedded therein (abstract) comprising:

a central processing unit, (fig. 1);

a message intake module, executed by the central processing unit, for recording and storing a voice organizer message created by a first user, (col. 7, lines 53-57; col. 9, lines 52-67);

a message delivery module, executed by the central processing unit, the message delivery module (col. 12, lines 60-66; col. 14, lines 36-43) including instructions for:

automatically calling the second user on a date specified by the first user to deliver the voice organizer message to the second user, (col. 12, lines 60-66; col. 14, lines 36-43; col. 21, lines 38-60).

Langsenkamp does not specifically teach if delivery of the voice organizer message fails, placing the voice organizer message in a voice mailbox associated with the second user.

In the same field of endeavor, Zirngibl teaches if delivery of the voice organizer message fails, placing the voice organizer message in a voice mailbox associated with the second user, (col. 21, lines 28-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Langsenkamp by placing the message in the voicemail box of the

user as taught by Zirngibl so that the user can still be able to receive the messages if the correct user was not available to receive the message.

Regarding claims 27 and 40, Langsenkamp, as applied to claims 26 and 39, teaches wherein the message delivery module includes instructions causing delivery of the voice organizer message to fail if the second user fails to enter the message-specific passcode, (col. 18, lines 37-45; col. 21, lines 61-67).

Regarding claim 39, Langsenkamp, as applied to claim 38, teaches including a passcode module, executed by the computer system, for associating a message-specific passcode with the voice organizer message, (col. 18, lines 37-45; col. 21, lines 61-67).

Response to Arguments

6. Applicant's arguments with respect to claims 1-40 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7537, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

Customer Service Window
Randolph Building

401 Dulany Street
Alexandria, VA 22314

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is 571-272-7537. The examiner can normally be reached on M-Th from 6:30AM to 4:00PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OVIDIO ESCALANTE
PATENT EXAMINER

Ovidio Escalante

Ovidio Escalante
Examiner
Group 2645
August 1, 2005

O.E./oe